

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	
VS.	:	CRIMINAL NUMBER
	:	05 – 26 ERIE
	:	
ALESHA M. EBERLE,	:	
DEFENDANT	:	

MOTION IN LIMINE

COMES NOW, this 20th day of February, 2006, the Defendant Alesha Eberle, by and through below signed counsel, and motions this Honorable Court and represents:

1. By correspondence dated February 9, 2006, counsel for the Defendant Alesha Eberle was provided nine (9) sets of Internet chats purporting to be between Alesha Eberle and others. These chats, according to the dates on the logs of the chats, occurred at different times from January 20, 2005 through March 21, 2005.
2. Through the *Government's Response to Defendant's Omnibus Pretrial Motion and Motion to Strike Surplusage from the Indictment* (docket numbers 69 and 70, filed February 13, 2006) the Government, at footnote 5, submitted "the Government's Notice Pursuant to Rule 404 (b) with respect to the evidence in support of each count."
3. Within that argument, the Government states, at page 32, "Specifically, the government will be offering into evidence Internet chats between Mrs. Eberle and others which display Mrs. Eberle's interests in pornography and sex."

4. None of the Internet chats contain admissions of wrong doing, solicitation of child pornography, or any other relevance to the four (4) counts contained in the Indictment. Furthermore, certain admissions within the chats are extremely prejudicial (e.g. an admission to homosexuality).

WHEREFORE, for the reasons set forth in the contemporaneously filed *Memorandum in Support of Motion in Limine* the attached Order should be granted.

Respectfully Submitted,

/s/ Michael R. Hadley, Esq.
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